

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7447 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VALLABHBHAI AMRABHAI BALVA

Versus

STATE OF GUJARAT

Appearance:

MR PS CHAMPANERI for Petitioner

Ms Harsha Devani, A.G.P. for Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 05/12/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Ms.Harsha Devani, learned A.G.P. for the respondents.

Heard.

The grievance of the respondents voiced by the learned A.G.P. is that the opportunity which was given

to the petitioner was not availed of and now his request for making payment of the remaining amount cannot be entertained. The submission is that the fresh price is now required to be fixed. In reply Mr.Champaneri, learned Advocate submits that his client is prepared to pay the amount of instalments with interest within two weeks. He also submits that default was from 1st June, 1992 and the interest would be payable from that date. In that view of the matter and in the facts of the case following order is passed :

In case the petitioner pays the balance amount of Rs.45,080/- with interest at the rate of 12 % p.a. from the date of default, within two weeks from today i.e. 1.6.1992, the impugned orders Annexures : E & F respectively dated 16.8.1996 and 21.8.1996 shall stand set aside and the seals shall be removed. In the event of default having been committed by the petitioner in complying with the aforesaid condition the said orders shall stand.

Rule made absolute in the aforesaid terms. No order as to costs.

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